

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA.,

Plaintiff,

CASE NO. 07-20414

-vs-

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

D-1 GEOFFREY FIEGER,  
D-2 VERNON JOHNSON,

Defendants.

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**ORDER**  
**REGARDING GOVERNMENT'S EX PARTE SUBMISSIONS**

The Court notes that the Government offered to make three different *ex parte* admissions to the Court regarding Defendants' Motion to Dismiss for Vindictive and Selective Prosecution. Defendant has filed a Brief in Opposition to Government's Suggestion to Provide Secret Information to Court (Doc. No. 80).

The Government has offered to submit: (1) an *ex parte* sealed pleading providing examples of other investigations involving simultaneous interviews and search warrants, Plf. Supp. Br. at 5 n.3; (2) an *ex parte* sealed pleading identifying a trial lawyer who was accused of illegal contributions to the Edwards Campaign in 2003 who was not prosecuted to illustrate the Government made its decision to prosecute on objective factors, *Id.* at 12 n. 6; and (3) the reason for the recusal of certain personnel in the United States Attorney's Office *ex parte* and *in camera*.<sup>1</sup>

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<sup>1</sup> This request was contained in the October 23, 2007, letter which accompanied the Government's submitted Department of Justice manual on prosecution.

The Court hereby;

- (1) **ORDERS** that the Government shall make these disclosures by the above described methods by Friday November 2, 2007; and
- (2) **DENIES** Defendant's Brief in Opposition to Government's Suggestion to Provide Secret Information to Court.

**SO ORDERED.**

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: October 30, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on October 30, 2007.

s/Denise Goodine  
Case Manager